

**ENTERED**

July 26, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DEREK ALLEN, ET AL.,

Plaintiffs.

VS.

VERTAFORE, INC.,

Defendant.

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CIVIL ACTION NO. 4:20-cv-04139

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On March 18, 2021, Defendant's Motion to Dismiss Pursuant to Rule 12(b)(1) and 12(b)(6) (Dkt. 38) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 43. Judge Edison filed a Memorandum and Recommendation on June 14, 2021, recommending that Defendant's Motion to Dismiss Pursuant to Rule 12(b)(1) and 12(b)(6) (Dkt. 38) be **GRANTED**. *See* Dkt. 55.

On June 16, 2021, Plaintiffs filed their Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

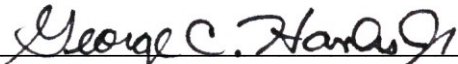
The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison's

Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 55) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant's Motion to Dismiss Pursuant to Rule 12(b)(1) and 12(b)(6) (Dkt. 38) is **GRANTED**.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 23rd day of July, 2021.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE